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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,972	12/31/1998	CHARLES KEVIN SHANK	03384.0148-0	4270
34645	7590	11/04/2003	EXAMINER	
JOHN C. GORECKI, ESQ. 165 HARVARD ST. NEWTON, MA 02460			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	20
DATE MAILED: 11/04/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,972

Applicant(s)

Shank et al

Examiner

Viet Vu

Art Unit

2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

DETAILED ACTION

Art Rejections:

1. The text of 35 U.S.C. 103(a) cited in the previous office action are hereby incorporated by reference.

2. Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah et al, U.S. pat. No. 6,041,325 in view of Henderson et al, U.S. pat. No. 5,726,979.

Shah discloses a telecommunication server (12, fig. 1) comprising:

- a) an interface to a data network (30, fig. 6) for communicating with a client (see Shah's col 11, lines 4-23),
- b) an interface (fig. 2) to a plurality of computer telephony resources (16, fig. 1) including call router and other telephony service equipment (Shah's col 6, line 55 - col 7, line 9),
- c) a CORBA middleware for receiving a request from the client for accessing the resources including configuring, verifying and provisioning the resources (see Shah's col 6, lines 51-54).

It is noted that the server functions like a resource administrator for monitoring resources availability in the network (see Shah's col 6, lines 51-54).

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Shah does not disclose the adaptation of CORBA in the server in details. Such use of CORBA in telecommunication network is well known in the art as disclosed in Henderson. Particularly, CORBA compliant server comprises an ORB distributed bus configured to decode an object-oriented, language independent client request into a network specific request (objects) for directing to a network entity (see Henderson's col 6, line 26-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Henderson's ORB bus in Shah because it would have enabled implementing CORBA compliant server in Shah (see Shah's col 6, lines 51-54).

It would have been further obvious to one skilled in the art to recognize that Shah's teachings would have been applicable to any known computer telephony resources including voice response unit, facsimile device, etc.

Per claims 4-6, it is noted that the use of voice recognition/verification and/or text-to-speech converter in voice processing unit is also well known in the art.

Response to Amendment:

3. Applicant's arguments filed on 10/15/03 with respect to claims 1-16 are moot in view of new ground of rejection set forth above.

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Conclusion:

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



**VIET D. VU
PRIMARY EXAMINER**

Art Unit 2154
10/28/03